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W.P.No.29024 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.29024 of 2022

Sundararajan

... Petitioner

Vs.

1.The District Collector,
Collectorate, Salem District.

2.The Revenue Divisional Officer,
Mettur Dam – 1,
Mettur Taluk, Salem District.

3.The Tahsildar,
Mettur Dam – 1,
Mettur Taluk, Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to survey and sub-divide petitioner's property situated in S.F.No.307/17 in Peryasoragai Village, Mettur Taluk, Salem District measuring to an extent of 12 ½ Cents and issue separate Patta in petitioner's name as per the Judgment and Decree dated 07.07.2008 made in O.S.No.423 of 2004 on the file of the District Munsif Court, Mettur by considering the representation dated 01.03.2022.

For Petitioner : Mr.D.Lakshmipathy



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For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

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ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 3rd respondent to survey and sub-divide petitioner's property situated in S.F.No.307/17 in Peryasoragai Village, Mettur Taluk, Salem District measuring to an extent of 12 ½ Cents and issue separate Patta in petitioner's name as per the Judgment and Decree dated 07.07.2008 made in O.S.No.423 of 2004 on the file of the District Munsif Court, Mettur by considering the representation dated 01.03.2022.

2.The case of the petitioner is that the petitioner claims that he is the owner of the property in S.F.No.307/17, measuring to an extent of 12 ½ Cents in Peryasoragi Village, Mettur Taluk, Salem District by way of partition. After the death of his father, the adjacent land owners insisted the petitioner to sell the property to them. The petitioner's mother Ellammal filed a Civil Suit for declaration and permanent injunction in O.S.No.423 of 2004 on the file of the District Munsif Court, Mettur and the same was decreed on 07.07.2008 in favour of the petitioner with respect of the suit schedule 2nd item, property in S.F.No.307/17, measuring to an extent of 12 ½ Cents.



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Aggrieved against the said judgment and decree, preferred first appeal in A.S.No.35 of 2008 on the file of the Subordinate Court, Mettur and the same was dismissed on 16.08.2021. In the meantime, on 22.02.2021, petitioner approached the 3rd respondent herein to survey and mark the boundary line to the above said property. Challan No.25 dated 22.02.2021 was issued for paying the necessary fees for the same. Pursuant to which, joint patta was issued in the name of the petitioner and others. Thereafter, the petitioner made a representation to the 3rd respondent on 25.02.2022 to survey and sub-divide the above said property and paid necessary fees vide Challan No.20220225007560 dated 25.02.2022, even after a lapse of seven months, the 3rd respondent herein has not considered the petitioner's representation to survey and sub-divide the property. Another representation dated 01.03.2022 was given to the 3rd respondent for the same, but, till date, petitioner's representation was not considered. Therefore, the petitioner has come forward with the present Writ Petition.

3.The learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 01.03.2022 by conducting survey of lands and sub-divide petitioner's property situated in S.F.No.307/17, measuring to an extent



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of 12 ½ Cents in Peryasoragi Village, Mettur Taluk, Salem District and pass appropriate orders

4.Mr.U.Bharanidharan, learned Additional Government Pleader, appearing for the respondents submits that if any direction is given by this Court, the same will be complied with.

5.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondent to consider the petitioner's representation dated 01.03.2022 by conducting survey of lands and sub-divide petitioner's property situated in in S.F.No.307/17, measuring to an extent of 12 ½ Cents in Peryasoragi Village, Mettur Taluk, Salem District on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Petition is accordingly is disposed of. No costs.

03.11.2022



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Index : Yes / No
Speaking order: Yes/ No
gba

To

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Mettur Taluk, Salem District.
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M.DHANDAPANI, J.

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